



**RESPONSE UNDER 37 C.F.R. § 1.116
Expedited Examining Procedure
Examining Group 2653**

PATENT
ATTORNEY DOCKET NO.: 040894-5644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Confirmation No. 1542
Osamu KASONO et al.)	
)	Group Art Unit: 2653
Application No.: 09/813,306)	
)	Examiner: Kim Kwok Chu
Filed: March 21, 2001)	
)	
For: OPTICAL HEAD APPARATUS)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, **Mail Stop AF**
Randolph Building
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the
decision of the Examiner dated September 8, 2004, finally rejecting claims 2-8.

03/09/2005 AWONDAF1 00000065 500310 09813306
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1. Extension of Time

- ☒ A Request for a three-month Extension of time and the extension of time fee of \$1020.00 are being filed concurrently herewith. If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

- ☒ The Commissioner is authorized to charge the appeal fee of \$500.00 to Deposit Account No. 50-0310.

3. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 7, 2005

By:


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